

CITY COUNCIL
CITY OF WICHITA
KANSAS

City Council Meeting
9:00 A.M., June 7, 2005

City Council Chambers
455 North Main

ORDER OF BUSINESS

- Call to Order
- Invocation
- Pledge of Allegiance
- Approve the minutes of the May 24, 2005 regular meeting

AWARDS AND PROCLAMATIONS

- Proclamations

PUBLIC AGENDA

1. Dee Stuart, Mayor Park City-Economic Development and the economy of the Wichita area.

CONSENT AGENDA

2. Report of the Board of Bids and Contracts Dated June 6, 2005.

RECOMMENDED ACTION: Receive and file report; approve Contracts;
authorize necessary signatures.

3. Applications for Licenses to Retail Cereal Malt Beverages:

Renewal

2005

(Consumption off Premises)

Kulwinder S. Jaswal
Loan H. Le
Long Pham
Manoj Patel
Saeed Mansouri
Mark Branham

Petro America
KC Gas & Groceries #1
Asian Market, Inc.
Anand LLC
A.M. Conoco
Quik Trip #313

2700 North Amidon
1102 West Maple
1815 East Central
4003 South Broadway
12728 East Central
3164 South Hillside

(Item 3 continued)

Mark Branham	Quik Trip #320	1021 West 31 st Street South
Mark Branham	Quik Trip #321	6011 West Central
Mark Branham	Quik Trip #325	1414 North Oliver
Mark Branham	Quik Trip #326	2010 South Broadway
Mark Branham	Quik Trip #328	2801 South Hydraulic
Mark Branham	Quik Trip #329	5602 East Harry
Mark Branham	Quik Trip #343	242 South Tyler
Mark Branham	Quik Trip #345	4020 South Meridian
Mark Branham	Quik Trip #347	1532 South Seneca
Mark Branham	Quik Trip #349	1112 West Douglas
Mark Branham	Quik Trip #353	110 South Rock Road
Mark Branham	Quik Trip #356	4808 South Hydraulic
Mark Branham	Quik Trip #358	7120 West 21 st Street North
Mark Branham	Quik Trip #360	3933 West 13 th Street North
Mark Branham	Quik Trip #366	1620 South Webb Road
Mark Branham	Quik Trip #368	626 West 21 st Street North
Mark Branham	Quik Trip #369	3216 East Harry
Mark Branham	Quik Trip #372	3106 East Pawnee
Mark Branham	Quik Trip #373	1610 East Lincoln
Mark Branham	Quik Trip #374	10315 West 13 th Street North
Mark Branham	Quik Trip #376	2106 South Rock Road
Mark Branham	Quik Trip #378	5611 South Broadway
Mark Branham	Quik Trip #383	11223 East Central
Mark Branham	Quik Trip #384	2510 West Pawnee
Mark Branham	Quik Trip #386	1010 East Douglas
Mark Branham	Quik Trip #388	7991 East 37 th Street North
Mark Branham	Quik Trip #389	4730 East Central
Mark Branham	Quik Trip #391	730 North Broadway

New Establishment 2005 (Consumption on Premises)

Donna M. Unrein Cappie's Sandwich & Subs 2415 West 31st Street South

New Establishment 2005 (Consumption off Premises)

Michael Shea Old Town Market 626 East Douglas

Special Event Date

David Dunn June 11-12, 2005 1201 East Central

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

RECOMMENDED ACTION: Approve licenses subject to Staff review and approval.

4. Preliminary Estimates:

- a) Lateral 1, Main 16 Four Mile Creek Sewer to serve Oak Creek Addition - south of 21st Street North, west of Greenwich. (468-83984/744121/480809) Does not affect existing traffic. (District II) - \$294,000
- b) Water distribution system to serve Oak Creek Addition - south of 21st Street North, west of Greenwich. (448-90067/735253/470924) Does not affect existing traffic. (District II) - \$200,000
- c) Water distribution system to serve The Waterfront Addition - north of 13th Street North, east of Webb. (448-90037/735240/470911) Does not affect existing traffic. (District II) - \$72,000
- d) Lateral 3, Main 4 Northwest Interceptor Sewer to serve Copper Gate North Addition - north of 13th Street North, west of 135th Street West. (468-83907/744120/480808) Does not affect existing traffic. (District V) - \$311,000
- e) Lateral 4, Main 4 Northwest Interceptor Sewer to serve Cheryl's Hollow Addition - north of 13th Street North, west of 135th Street West. (468-83937/744100/480788) Does not affect existing traffic. (District V) - \$163,000
- f) Water distribution system, Phase 3 to serve Avalon Park Addition - north of 37th Street North, east of Tyler. (448-89868/735249/470920) Does not affect existing traffic. (District V) - \$22,100
- g) Water distribution system, Phase 4 to serve Avalon Park Addition - north of 37th Street North, east of Tyler. (448-89869/735250/470921) Does not affect existing traffic. (District V) - \$46,000
- h) Water distribution system, Phase 5 to serve Avalon Park Addition - north of 37th Street North, east of Tyler. (448-89870/735251/470922) Does not affect existing traffic. (District V) - \$59,400
- i) Lateral 10, Main 19 Southwest Interceptor Sewer to serve Avalon Park Addition - north of 37th Street North, east of Tyler. (468-83690/744117/480805) Does not affect existing traffic. (District V) - \$44,400
- j) Lateral 11, Main 19 Southwest Interceptor Sewer to serve Avalon Park Addition – north of 37th Street North, east of Tyler. (468-83691/744118/480806) Does not affect existing traffic. (District V) - \$82,280
- k) Lateral 12, Main 19 Southwest Interceptor Sewer to serve Avalon Park Addition -north of 37th Street North, east of Tyler. (468-83692/744119/480807) Does not affect existing traffic. (District V) - \$167,000

RECOMMENDED ACTION: Receive and file.

5. Petition for Public Improvement.

- a) Sanitary Sewer and Water Distribution System improvements for Fox Ridge Addition, north of 29th Street North, west of Tyler. (District V)

RECOMMENDED ACTION: Approve Petitions; adopt Resolutions.

6. Minutes of Advisory Boards/Commissions:

Deferred Compensation Board of Trustees, quarterly meeting, February 10, 2005
District III Advisory Board, March 2, 2005
District V Advisory Board, April 4, 2005
Wichita Airport Advisory Board, April 4, 2005
District III Advisory Board, April 6, 2005
Wichita Employees', Police & Fire Retirement Board, April 7, 2005
Board of Electrical Appeals, April 12, 2005
District III Advisory Board, April 20, 2005
Police and Fire Retirement System, April 20, 2005
Wichita Employees' Retirement System, April 20, 2005
Wichita Employees', Police & Fire Retirement Board, Special Joint Investment Committee, April 22, 2005
Board of Electrical Appeals, special meeting, April 26, 2005
Wichita Public Library, monthly report, April 2005

RECOMMENDED ACTION: Receive and file.

7. Consideration of Street Closures/Uses.

RECOMMENDED ACTION: Approve the street closures.

8. Financial Report for the Quarter ending March 31, 2005.

RECOMMENDED ACTION: Receive and file.

9. Agreements/Contracts:

- a) Renewal of Food Service Establishment Inspection Contract with Kansas Department of Health and Environment.
- b) Waterline along MacArthur from West Street to Hoover. (District V) – supplemental.

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize necessary signatures.

10. Design Services Agreements

- a) Falcon Falls Addition, south of 53rd Street North, west of Hillside. (District I)
- b) Avalon Park Addition, north of 37th Street North, east of Tyler. (District V)
- c) Oak Creek Addition, south of 21st Street, west of Greenwich. (District II)

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize necessary signatures.

11. Change Order: Sewage Treatment Plant Modifications.

RECOMMENDED ACTION: Approve the Change Orders and authorize the necessary signatures.

12. Property Acquisitions:

- a. Sanitary Sewer Easement to serve the 100 Block of South Byron. (District V)
- b. Partial acquisition of land and easements for the north area sewer sanitary line near Meridian and 53rd Street North. (District VI)
- c. Partial acquisition of 1242 North Market as a portion of the abandoned Union Pacific Rail Corridor for the Midtown Greenway. (District VI)

RECOMMENDED ACTION: Approve budgets and Contracts; authorize necessary signatures.

13. Assignment of Lease Antenna Site on McLean Manor. (District VI)

RECOMMENDED ACTION: Approve the assignment request and authorize the necessary signatures.

14. Park Entrance Signage.

RECOMMENDED ACTION: a) Approve the recommendation of the Selection Committee to obtain professional design services from the firms of McCluggage Van Sickle and Perry and Gardner Design; b) approve the purchase contract; c) authorize the necessary signatures.

15. Approval of Restrictive Covenant. (District I)

RECOMMENDED ACTION: Approve the restrictive covenant and authorize the necessary signatures.

16. Sewer Line Replacement. (District I)

RECOMMENDED ACTION: Approve the project.

17. Sewer Line Replacement. (District VI)

RECOMMENDED ACTION: Approve the project and authorize staff to proceed.

18. Transfer of CIP Funds.

RECOMMENDED ACTION: 1) Approve the transfer of funds;
2) amend the CIP; 3) adopt the amended
Resolutions and 4) authorize the necessary
signatures.

19. Payment for Settlement of Lawsuit, (\$17,500.00).

RECOMMENDED ACTION: Authorize payment of \$17,500.00 as a
full settlement of the lawsuit.

20. Payment for Settlement of Lawsuit, (\$49,000.00).

RECOMMENDED ACTION: Ratify the mediation agreement and
authorize payment of \$49,000.00 as a
full settlement of the lawsuit, with an
additional \$1,000.00 as one half of the
mediation expenses.

21. Central Maintenance Facility (CMF) Expansion. (District IV)

RECOMMENDED ACTION: Approve the project; adopt the
Resolution; authorize Staff to select a
consultant and authorize the necessary
signatures.

22. Redemption of Recreational Facilities Revenue Bonds, (YMCA). (Districts I and IV)

RECOMMENDED ACTION: Adopt the Resolution authorizing an
early redemption of a portion of the Series
1998 Bonds.

23. Purchase Option, RC Enterprises. (District VI)

RECOMMENDED ACTION: Adopt the Resolution approving the Special
Warranty Deed and Termination of Lease
Agreement and authorize the Mayor to sign
with delivery contingent upon satisfaction of
a ll conditions for reconveyance under the
Lease Agreement.

24. Second Reading Ordinances: (First read May 24, 2005)

a) Central and Rock Intersection Improvement. (District II)

An Ordinance amending Ordinance No. 45-006 of the City of Wichita, Kansas declaring the intersection of Central Avenue and Rock Road (472-83393) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same.

b) A05-09R - generally located southwest of the intersection of Maple Street and 162nd Street. (District V)

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas, introduced and under the rules laid over. (A05-09R)

RECOMMENDED ACTION: Adopt the Ordinances.

NEW BUSINESS

25. Petition to construct a Sanitary Sewer Main to serve an area generally located south of Harry, west of 127th Street East. (District II)

The signatures on the Petition represent 2 of 68 (2.94%) resident owners and 66.95% of the improvement district area. District II Advisory Board sponsored a May 2, 2005, neighborhood hearing on the project. The Board voted 8 to 0 to recommend approval of the project.

RECOMMENDED ACTION: Approve the Petition and adopt the Resolution.

26. Petition to construct a Sanitary Sewer Lateral System to serve an area generally located south of Harry, west of 127th Street East. (District II)

The signatures on the Petition represent 39 of 62 (62.9%) resident owners and 45.36% of the improvement district area.

RECOMMENDED ACTION: Approve the Petition and adopt the Resolution.

27. Petition to construct a Water Distribution System to serve an area generally bounded by MacArthur, Sabin, 37th Street South and west of Baehr. (District IV)

The signatures on the Petition represents 20 of 39 (51.28%) resident owners and 55.74% of the improvement 10 to 0 to recommend approval of the project.

RECOMMENDED ACTION: Approve the Petition and adopt the Resolution.

28. Petition to pave 30th Street South from Custer to St. Paul. (District IV)

The signatures on the Petition represents 29 of 45 (64.44%) resident owners and 58.72% of the improvement district area. District IV Advisory Board sponsored a May 4, 2005 neighborhood hearing on the project. The Board voted 10 to 0 to recommend approval of the project.

RECOMMENDED ACTION: Approve the Petition and adopt the Resolution.

29. Petition to pave the East-West Alley between Woodlawn and Mission, south of Harry. (District III)

The Petition has been signed by one non-resident owner of 79.9% of the improvement district area. District III Advisory Board sponsored a May 4, 2005, neighborhood hearing on the project. The Board voted 7 to 0 to recommend approval of the project.

RECOMMENDED ACTION: Approve the Petition and adopt the Resolution.

30. Public Safety AVL.

In January 2002, the City Council approved a Memorandum of Understanding (MOU), with Sedgwick County and Kansas Department of Transportation (KDOT) for the participation of the City of Wichita in Intelligent Transportation Systems (ITS) for the Wichita-Sedgwick County Area.

RECOMMENDED ACTION: Approve the Supplemental Agreement with KDOT and Sedgwick County and the contracts with First Mobile Technologies and Precision Mount Technologies and authorize the necessary fund transfers and signatures.

31. Amendments to Position Classification Ordinance.

Throughout the year, Human Resources identifies routine “housekeeping” corrections and changes needed to keep this ordinance up-to-date and to implement Council and management decisions that have been made since the last ordinance.

RECOMMENDED ACTION: Adopt the amendments to the Position Classification Ordinance.

31a. Community Events.

The City has used an established practice to assist citizens who request use of public property for a “special event.” The approval process has been effective but continues to present challenges for both applicant and staff due to a variety of issues associated with frequency, uniqueness and time constraints of requests.

RECOMMENDED ACTION: Place the ordinance on first reading and authorize the necessary signatures.

PLANNING AGENDA

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

* Consent Items

32. ZON2005-00013-Zone change from Single-family Residential to Limited Commercial. Generally located north of Central and west of Gilda. (District V)

RECOMMENDED ACTION: 1. Concur with the findings of the MAPC and approve the Zone Change to Limited Commercial, subject to the dedication of access control on Central Avenue, allowing for one opening; instruct the Planning Department to forward the ordinance for first reading when the dedication has been recorded with the Register of Deeds; or
2. Return the application to the MAPC for reconsideration.

33. *VAC2003-00044-Request to vacate a portion of platted complete access control, generally located at the northwest corner of Boston Street and Webb Road. (District II)

RECOMMENDED ACTION: Approve the Vacation Order and authorize the necessary signatures.

34. *VAC2004-00018-Request to vacate the 24th Street North right-of-way, generally located between Burns Avenue and Salina Avenue. (District VI)

RECOMMENDED ACTION: Approve the Vacation Order and authorize the necessary signatures.

35. *VAC2004-00068-Request to vacate a platted contingent dedication of street right-of-way, generally located approximately ¼ mile east of 127th Street East, south of Harry Street, more specifically located southeast of the Triple Crown Street and Buckskin Street intersection. (District II)

RECOMMENDED ACTION: Approve the Vacation Order and authorize the necessary signatures.

36. *VAC2005-00007-Request to vacate a portion of platted complete access control, generally located north of 21st Street North and on the east side of Webb Road. (District II)

RECOMMENDED ACTION: Approve the Vacation Order and authorize the necessary signatures.

37. *VAC2005-00017-Request to vacate platted complete access control, located on the northeast corner of the Central Avenue and Tyler Road Intersection. (District V)

RECOMMENDED ACTION: Approve the Vacation Order and authorize the necessary signatures.

38. *SUB2004-92-Plat of Blattner Addition, located east of 135th Street West and on the north side of 13th Street North. (District V)

RECOMMENDED ACTION: Approve the documents and plat; authorize the necessary signatures; adopt the resolutions and place the ordinance on first reading.

39. *SUB2005-14-Plat of Molitor Addition, located north of 29th Street North and west of Hydraulic. (District VI)

RECOMMENDED ACTION: Approve the plat and authorize the necessary signatures.

40. *DED2005-14-Dedication of Street Right-of-Way, located south of 37th Street North and on the east side of Woodlawn. (District I)

RECOMMENDED ACTION: Accept the dedication.

AIRPORT AGENDA

NOTICE: The City Council is meeting as the governing body of the Airport for consideration and action on items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

*Consent items

41. Terminal Area Program - Program Manager Contract - Wichita Mid-Continent Airport

RECOMMENDED ACTION: Approve the project budget, approve the contract, adopt the resolution, and authorize necessary signatures.

CITY COUNCIL

42. *Approval of travel expenses for Mayor to attend LKM Governing Body meeting in Salina, June 16-17, 2005.*

RECOMMENDED ACTION: Approve the expenditure.

43. Board Appointments.

RECOMMENDED ACTION: Make the appointments.

Adjournment

Workshop to follow